

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES BRYANT, individually and as next friend and guardian of D.B., AVA GEORGE, individually and as next friend and guardian of B.G., CHANIN HOUSTON-JOSEPHAT, individually and as next friend and guardian of A.J., LISA HUGHES, individually and as next friend and guardian of J.R., CARMEN PENA, individually and as next friend and guardian of G.T., VIVIAN PRESLEY, individually and as next friend and guardian of D.P., and JAMIE TAM, individually and as next friend and guardian of S.T.,

Plaintiffs,

v.

NYS EDUCATION DEPARTMENT; DAVID M. STEINER, in his capacity as Commissioner of Education of the New York State Education Department, and THE NEW YORK STATE BOARD OF REGENTS

Defendants.

NOTICE OF CROSS-MOTION

10-CV-0036

GLS/RFT

PLEASE TAKE NOTICE that upon the annexed Declaration of Patricia J. Geary; the accompanying memorandum of law; and upon all prior proceedings, Defendants New York State Education Department, David M. Steiner and the New York State Board of Regents, on April 15, 2010 at 9:00 a.m., or as soon thereafter as counsel can be heard, will make a cross-motion at the United States District Court, Northern District of New York, Albany, New York, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the Complaint, together with such other or further relief as may be just.

Dated: Albany, New York
March 2, 2010

ANDREW M. CUOMO
Attorney General of the State of New York
Attorney for Defendants New York State
Education Department and Board of
Regents

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